IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.43006 of 2008
DEVI PRASAD CHAUDHARY,
son of Sri Anhoti Chaudhary,
resident of Village Pachtakki Ram,
P.S. Bairgania, District Sitamarhi
------ Petitioner

Versus

STATE OF BIHAR

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2. 18.12.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Bairgania P.S. Case No.82/08 for the alleged offences registered under sections 431, 379, 420, 120B, 109 and 504/34 of the Indian Penal Code.

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It is submitted that the present case was lodged for ulterior purposes since the informant is facing trial of kidnapping of this petitioner for which the F.I.R. was lodged in the year 2005 vide Annexure 2. It is further submitted that the allegation against this petitioner, who is the Pramukh of Bairgania Block, is that he was getting the soling working done in one of the roads after removing the bricks from one road and using the same in another road in Bairgania Nagar Panchayat. It is submitted that the allegations are absurd, which is evident from the letter of the Block Development Officer, addressed to the Inspector of Police, as contained in Annexure 4, that the road on which the alleged soling work was being done by the petitioner is neither approved nor sanctioned under any scheme.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of his arrest or surrender

in connection with Bairgania P.S. Case No.82/08 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM **(Shailesh Kumar Sinha, J.)**

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